

**IN THE FRANKLIN COUNTY MUNICIPAL COURT
ENVIRONMENTAL DIVISION
COLUMBUS, OHIO**

**STATE EX REL.
COLUMBUS CITY ATTORNEY
ZACH KLEIN**

Relator-Plaintiff,

v.

MUHAMMAD FARMAN, ET AL.,

Respondents-Defendants.

Case No: *21 EOH 60027*

Judge Stephanie Mingo

Parcel Nos. 010-088601-00
010-088602-00

TEMPORARY RESTRAINING ORDER

This matter came before the Court on January 21, 2021 on Relator's request for an ex parte temporary restraining order filed in conjunction with a Complaint and Motion for Preliminary and Permanent Injunctive Relief. In light of the circumstances, this motion was filed *ex parte*. For purposes of the temporary restraining order, the Court finds that the Relator has established that Respondent-Defendant MUHAMMAD FARMAN is the record owner of the property located at 3301-3309 E. Main Street in Columbus, Ohio. All Respondents-Defendants are persons in charge, care, and control, and/or are employees, agents or lessees of 3301-3309 E. Main Street in Columbus, Ohio, Parcel Nos. 010-088601-00 and 010-088602-00.

On information and belief, Relator asserts the following:

1. The property located at 3301-3309 E. Main St., Columbus, Ohio, 43213, (hereinafter "Premises") has the general reputation of being a place where criminal activity including incidents of violence and liquor law violations occurs.

2. Respondent-Defendant MUHAMMAD FARMAN (hereinafter "Property Owner") has been the record owner of the Premises since August 2, 2019.
3. At all times relevant to this matter, the Premises consisted of a one story commercial strip mall with three (3) businesses (a carryout, barbershop and tax preparation business), the barbershop being the only operating business.
4. The Premises is located on the east side of the City of Columbus between the cross streets of E. Main Street and S. Waverly Street.
5. In June of 2020, the Columbus Division of Police (hereinafter "CPD") began receiving calls for service to the Premises and the immediate area(s) surrounding the Premises regarding loud noise, large gatherings, prohibited parking, shots fired, shootings and other general disturbances.
6. On June 3, 2020 at approximately 2:36 a.m., the Whitehall Police Department was flagged down regarding a large group of people gathering in the area of E. Main Street and S. Waverly Street. CPD officers later confirmed eight (8) cars and twenty (20) individuals located at the Premises. CPD officers also noted a strong smell of Hemp emanating from the Premises.
7. On July 12, 2020 at approximately 4:32 a.m., CPD was called to the area of E. Main Street and S. Waverly Street on report of shots fired.
8. On August 2, 2020 at approximately 11:53 p.m., CPD was called to the alley of E. Main Street and Hampton Road on report of a disturbance involving a male black and female black engaged in a heated argument.

9. On August 5, 2020 at approximately 10:25 p.m., CPD was called to the area of E Main Street and S. Hampton Road on a suspicious person(s) report involving a group of approximately eight males and females loitering around the Planned Parenthood business located next door to the Premises.
10. On August 28, 2020 at approximately 11:23 p.m., CPD was called to the area of E. Main Street and Waverly Street on report of shots fired.
11. On October 12, 2020 at approximately 3:29 a.m., CPD was called to the Premises at 3307 E. Main St. on report of a person with a gun.
12. On October 14, 2020 at approximately 4:32 a.m., CPD was called to the area of E. Main Street and S. Waverly Street on report of shots fired.
13. On November 2, 2020 at approximately 4:22 a.m., CPD was called to the Premises at 3309 E. Main St. on report of a person with a gun.
14. On November 14, 2020 at approximately 1:39 a.m., CPD was called to the area of E. Main Street and S. Waverly Street on report of a person with a gun, the call report noting a male black with a gun outside of the "bar."
15. On December 4, 2020 at approximately 3:48 a.m., CPD was called and responded to the area of S. Main Street and S. Waverly Street on report of shots fired, the call report noting that the Premises located at 3307 E. Main St. had been "shot up."
16. On December 12, 2020 at approximately 12:37 a.m., CPD was called to the area of E. Main Street and S. Waverly Street on report of a disturbance, the call report noting an "illegal nightclub" in rear of the barbershop.

17. On December 13, 2020 at approximately 1:25 a.m., CPD was called to the area of E. Main Street and S. Weyant Ave. on report of a general disturbance, the call report noting that there were "fifty (50) or so people here at the Barbershop ... strippers and people doing drugs and stumbling around in the parking lot."
18. On December 21, 2020 at approximately 1:03 a.m., CPD was dispatched to 781 S. Waverly St. on report of a shooting. CPD Officers observed video surveillance of the incident showing the victim knocking on the back door of the Premises at the time of the shooting.
19. On December 30, 2020 at approximately 1:30 a.m., CPD was called to the area of E. Main Street and S. Hampton Road on report of shots fired.
20. On January 2, 2021 at approximately 1:32 a.m., CPD was dispatched to the Premises at 3309 E. Main Street on a noise complaint. Upon arrival to the Premises, CPD officers observed an individual standing in the alley with a rifle in his hands. Officers approached the individual who stated he was working security for the establishment located at the Premises.
21. On January 3, 2021 at approximately 3:26 a.m., CPD was called to the Premises at 3309 E. Main Street by members of the Columbus Division of Fire on report of shots fired.
22. On January 3, 2021 at approximately 3:39 a.m., CPD was called to the Premises at 3309 E. Main Street on report of a person with a gun, the call report noting thirty (30) individuals outside fighting with "big guns".
23. On January 15, 2021 at approximately 4:04 a.m., CPD was called to the Premises at 3307 E. Main St. on report of a person with a gun.

24. On January 16, 2021 at approximately 1:27 a.m., CPD was called to the area of E. Main Street and S. Waverly Street on report of loud music and a loud party.
25. On January 17, 2021 at approximately 3:43 a.m., CPD responded to the area of E. Main Street and S. Hampton Road on report of a shooting. While being treated at the hospital, both victims stated the shooting occurred after an altercation that started inside the afterhours club located at the Premises.
26. On or about October 4, 2020, the Columbus Division of Police PACT Unit (hereinafter "CPD PACT") began investigating the Premises pursuant to community complaints of illegal alcohol sales and on belief that the Premises was operating as an illegal "Boot Joint"/"After Hours."
27. On October 4, 2020 at approximately 1:00 a.m., CPD PACT Detective Darryl McKissick (hereinafter "McKissick") walked to the rear of the Premises and was granted entry after being searched by an unidentified male black. Upon entry into the Premises, McKissick observed 50-60 individuals (male and female) between the ages of 17-35 years of age, eating and drinking alcoholic beverages, smoking marijuana and dancing to music. McKissick also observed a bathroom, kitchen, DJ booth, dance floor and bar inside the Premises.
28. On October 4, 2020 at approximately 1:25 a.m., McKissick approached the bar area and was greeted by an unidentified female black. The unidentified female asked McKissick "What can I get for you?" to which McKissick responded "Let me get a Hennessey." The unknown female proceeded to ask McKissick if he desired "One or two shots?" McKisick replied "Let me get two." The unknown female poured two

shots of Hennessy into a small Styrofoam cup. McKissick handed the female \$20.00 in official funds in exchange for the two shots of liquor and walked away.

29. On November 27, 2020, CPD PACT Detective Jim O'Brien sent a letter to the Property Owner notifying the Property Owner of the activity occurring at the Premises in violation of Ohio Liquor Laws and the Property Owner's immediate duty to abate said activity.
30. On January 6, 2021 at approximately 10:30 a.m., Agent Kelly Murnane (hereinafter "Murnane") and Agent Victoria Aumend (hereinafter "Aumend") of the Ohio Department of Public Safety Investigative Unit (hereinafter "OIU") visited the Premises located at 3309 E. Main Street in response to a complaint made by a local business owner regarding illegal alcohol sales at the Premises. Murnane and Aumend drove around the back of the Premises and observed multiple empty bottles of intoxicating liquor, beer cans and packaging for liquor bottles strewn about the grassy area on the side of the Premises. Agents observed the back portion of the Premises partially fenced in. Inside of the fenced in area, Murnane and Aumend observed a large amount of bagged trash filled with beer cans and an empty Hennessy box.
31. On Friday January 8, 2021 at approximately 11:30 p.m., OIU Agents Patrick O'Dowd (hereinafter "O'Dowd") and Courtland Price (hereinafter "Price") conducted surveillance at the Premises located at 3309 E. Main Street. Agents observed vehicles parked along the alley and patrons entering and exiting the location. Agents made contact with some of the patrons who told the agents they were attending a private party.

32. On January 14, 2021 at approximately 11:20 p.m., OIU Agents Nathan Wathey (hereinafter "Wathey"), O'Dowd and Price visited the Premises at 3309 E. Main Street and spoke with a patron at the location who stated the type of establishment operating out of the Premises was "BYOB."
33. On January 18, 2021, OIU Agent Aumend received a call from a local business owner explaining that a shooting had occurred at the Premises located at 3309 E. Main Street on or about January 17, 2021 and a shell casing and broken glass were found in the business owner's parking lot.
34. On or about December 18, 2020, James V. Canepa, Superintendent of the Ohio Division of Liquor Control signed a certificate affixed with the seal of the Ohio Division of Liquor Control, certifying that as of December 18, 2020, there was no liquor permit issued to the Premises located at 3309 E. Main St. and therefore no business is authorized to sell alcoholic beverages at said location.
35. On or about November 12, 2020, Columbus Division of Fire LT Brian Moone (hereinafter "LT Moone") conducted an inspection at the Premises with the Property Manager, YASAR MEHDI, for the purpose of notifying the Property Manager and the Property Owner of the illegal afterhours club operating at the Premises and the risk to the public caused by its continued operation.
36. On or about November 12, 2020, LT Moone observed the following violations of Ohio Administrative Code at 3301 E. Main St.:
 - a. 1013.1 – Exits and Exit doors shall be marked by an approved exit sign readily visible from any direction of egress travel;

- b. 304.1 – Waste accumulation prohibited (combustible waste material creating a fire hazard shall not be allowed to accumulate in buildings or structures or upon premises);
- c. 505.1 – Address Identification (new and existing buildings shall be provided with approved address identification);
- d. 5704.3.2 – Liquid Storage Cabinets;
- e. 605.6 – Unapproved Conditions (open junction boxes and open-wiring splices shall be prohibited. Approved covers shall be provided for all switch and electrical outlet boxes);
- f. 703.1 – Maintenance.

37. On or about November 12, 2020, LT Moone observed the following violations of Ohio Administrative Code at 3307 E. Main St.:

- g. 1013.1 - Exits and Exit doors shall be marked by an approved exit sign readily visible from any direction of egress travel;
- h. 404.4.2 – Emergency Planning and Preparedness;
- i. 505.1 – Address Identification (new and existing buildings shall be provided with approved address identification);
- j. 605.3 – Working Space and Clearance;
- k. 605.5 – Extension Cord;
- l. 605.6 – Unapproved Conditions (open junction boxes and open-wiring splices shall be prohibited. Approved covers shall be provided for all switch and electrical outlet boxes);
- m. 703.1 – Maintenance;

- n. 807.3 – Combustible Decorative Materials;
- o. 906.2 – General Requirements.

38. On or about November 12, 2020, LT Moone observed the following violations of Ohio Administrative Code at 3309 E. Main St.:

- p. 1001.2 – Minimum requirements (it shall be unlawful to alter a building or structure in a manner that will reduce the number of exits or the capacity of the means of egress to less than required by this code);
- q. 1013.2 - Exits and Exit doors shall be marked by an approved exit sign readily visible from any direction of egress travel;
- r. 304.1 – Waste Accumulation Prohibited (combustible waste material creating a fire hazard shall not be allowed to accumulate in buildings or structures or upon premises);
- s. 605.5 – Extension Cords;
- t. 605.6 – Unapproved Conditions (open junction boxes and open-wiring splices shall be prohibited. Approved covers shall be provided for all switch and electrical outlet boxes);
- u. 703.1 – Maintenance;
- v. 807.3 – Combustible Decorative Materials.

39. On or about December 30, 2020, LT Moone re-inspected the Premises and found that the property remained out of compliance with applicable provisions of the Ohio Administrative Code.

Pursuant to Ohio Civil Rule 65(A), and R.C. 3767.04(B)(2), this Court hereby enters this temporary restraining order. The Court finds that Relator has made a

preliminary showing that continued illegal activity at 3301-3309 E. Main St. in Columbus, Ohio, will cause immediate and irreparable harm to the surrounding community. The Court finds the criminal activity occurring at the Premises constitutes an imminent danger for those at the Premises and for those around the Premises.

Furthermore, pursuant to Civil Rule 65, Relator has established that exigent circumstances exist to support the issuance of an *ex parte* restraining order in accordance with the Ohio Revised Code.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT:

The Relator has established by clear and convincing evidence that the illegal activity occurring at the premises located at 3301-3309 E. Main Street in Columbus, Ohio, continues to cause irreparable harm to the community and that the property is a nuisance *per se* as defined in R.C. § 3767.01 and R.C. § 3767.02, and in Columbus City Code § 4703.

It is the further **ORDER** of this Court that all occupants of 3301-3309 E. Main Street in Columbus, Ohio, be forcibly removed from the premises forthwith. Said occupants may be forcibly detained during the execution of this order. Furthermore, the premises shall be closed, padlocked, boarded or secured as deemed necessary by the Chief of the Columbus Police Department or his or her designee(s) against its use for any purpose until a final decision is rendered on the Complaint for Preliminary and Permanent Injunctive Relief as required by R.C. § 3767.04. This temporary restraining order shall apply to and prohibit usage of or entrance onto any curtilage or porch areas of the premises for any purpose—no vehicles or persons are to be anywhere on the parcel.

It is further **ORDERED** that this temporary restraining order shall apply to the parcel in its entirety. No person may enter and/or occupy 3301-3309 E. Main Street in Columbus, Ohio, including any portion of the parcel. Any violation of this order, including mutilation of this order, is contempt of court, punishable as a first degree misdemeanor.

It is further **ORDERED** that only necessary personal property located on the premises be removed by the occupants prior to closure and under the direction of the Columbus Division of Police. The Columbus Division of Police is authorized to inventory personal property located on the premises; however, only items related to or in connection with the illegal conduct must be inventoried and accounted for. The Columbus Division of Police may, however, also remove and secure at an off-site location highly mobile and valuable property, including but not limited to such personal property as automobiles, cash, jewelry and electronic equipment which may be at risk of theft during the pendency of this ORDER.

This case is continued for further preliminary hearing on the merits of Relator's Complaint for Preliminary and Permanent Injunctive Relief on the February 1, 2021 at 10:00 A.M. in courtroom 15B, located on the 15th floor of 375 S. High Street, Columbus, Ohio 43215. This Order shall remain in effect until that time or as otherwise ordered by this Court.

This order shall be served upon the Respondents-Defendants by the Columbus Division of Police or Relator's Counsel; the order may be served by posting a copy of it in a conspicuous place at or upon one or more of the principal doors or entrances of the property. The closing of said premises at 3301-3309 E. Main Street in Columbus, Ohio with forcible entry and removal of all occupants shall be effectuated by the Columbus

Division of Police with the assistance of the City of Columbus Department of Code Enforcement. Based on the Affidavits submitted with the Complaint and Motion, the Court finds that notice of entry upon the premises could result in destruction, concealment or removal of contraband, illegal narcotics or property and could create a serious risk of physical harm to law enforcement officers or other authorized individuals in the execution of this *ex parte* Order.

IT IS SO ORDERED.

1/21/2021
DATE


JUDGE STEPHANIE MINGO